

**MINUTES
BOARD OF COMMISSIONERS
REGULAR CALLED MEETING
TUESDAY, MAY 6, 2014 AT 5:00 P.M.
118 SOUTH CAGE 2ND FLOOR**

The Board of Commissioners of the City of Pharr, Texas, met in a Regular Called Meeting on Tuesday, May 6, 2014 and following is the record of attendance.

BOARD OF COMMISSIONERS PRESENT: Mayor Leopoldo Palacios Jr.
Mayor Pro-Tem Adan Farias
Comm. Roberto Carrillo (arrived at 5:20 pm)
Comm. Oscar Elizondo, Jr.
Comm. Edmund Maldonado, Jr.
Comm. Aquiles Garza

BOARD OF COMMISSIONERS ABSENT: Comm. Arturo Cortez

STAFF PRESENT: Fred Sandoval, City Manager
David Garza, Asst. City Mgr./Utilities Dir.
Hilda Pedraza, City Clerk
Javier Rodriguez, C.D. Director
Juan Guerra, Chief Financial Officer
Ruben Villescás, Police Chief
Carlos Mandujano, Asst. Fire Chief
Frank Marin, Parks & Recreation Dir.
Roy Garcia, Public Works Director
Edward Wylie, Pharr Dev. Services Dir.
Adolfo Garcia, Library Director
Raul Garza, Admin. Services Director
Gary Rodriguez, PIO
Jason Arms, I.T. Director
Roel Garza, Athletics Director
Roy S. Garcia, Pharr Events Center
Tony Sandoval, PEDC Asst. Director

CITY ATTORNEY
CITY ENGINEER

Michael Pruneda, City Attorney
Bill Ueckert, City Engineer

ITEM 1 CALL TO ORDER:

Mayor Palacios called the meeting to order at 5:11 p.m. Roll Call established a quorum.

**A) ROLL CALL AND POSSIBLE ACTION ON THE EXCUSING OF ANY
ABSENT MEMBER OF THE GOVERNING BODY**

Comm. Garza moved to excuse Comm. Cortez for being absent. Comm. Maldonado seconded the motion and when put to a vote, it carried unanimously.

Comm. Carrillo was not present at the time of roll call but arrived at 5:20 pm.

B) PLEDGE OF ALLEGIANCE / INVOCATION

Pastor Vidal Muniz led in the pledge of allegiance and said the prayer.

Mayor Palacios asked for a moment of silence for the passing of Ernesto Palacios Esparza.

ITEM 2 PROCLAMATIONS:

A) PRESENTATION OF PROCLAMATION PROCLAIMING THE MONTH OF MAY AS NATIONAL BIKE MONTH AND BICYCLE SAFETY MONTH

Mayor Palacios read Proclamation proclaiming the month of May as National Bike Month and Bicycle Safety Month and presented proclamation to Ana Garza.

Ana Garza introduced Viola Flores and Virginia Franco, all being a part of the cycling community. At this time, Ms. Garza presented a Certificate of Appreciation to the Pharr Police Department for their involvement in assisting with the cyclist incident which happened on April 17, 2014.

Comm. Elizondo noted these types of incidents make cities realize the dangers that are out there for bicyclists and stated Police Chief and City Manager would look into creating ordinances to improve bicycle safety.

B) PRESENTATION OF PROCLAMATION PROCLAIMING THE MONTH OF MAY AS MOTORCYCLE SAFETY AND AWARENESS MONTH

Mayor Palacios read Proclamation proclaiming the month of May as Motorcycle Safety and Awareness Month and presented proclamation to Pastor Karl Johnson.

Mr. Johnson, Representative for Bikers for Christ, thanked the Mayor and City Commission for the proclamation and presented a "Biker Bible" to Mayor Palacios.

C) PRESENTATION OF PROCLAMATION PROCLAIMING VALLEY VIEW SOCCER TEAM STATE FINALISTS DAY

Fred Sandoval, City Manager, stated the soccer team was not able to attend the meeting and proclamation would be postponed until June.

ITEM 3 CITY MANAGER'S REPORTS:

- A) City Engineer's Report – Bill Ueckert
- B) Submission of Quarterly Report ending March 31, 2014
- C) City Events of Interest
- D) Legislative/Project Update

Mayor Palacios introduced the item.

Fred Sandoval, City Manager, stated the City Engineer's Report and the Quarterly Report were in their packets and questions could be entertained at this time.

There being no questions, Fred Sandoval, City Manager, called upon Eduardo "Eddie" Cantu, County Commissioner Elect, to address the Board on behalf of the Boys and Girls Club.

County Commissioner Elect Eduardo "Eddie" Cantu gave an update on the Boys and Girls Club program. He reported 8,200 youths were currently being served with 83% coming from low income homes. He stated a total of fourteen (14) sites, two (2) regular sites and twelve (12) school sites, were being served with over 100,000 meals per year. He added the average daily attendance from all sites was at 1,240 youths with thirty-five (35) teens currently participating in a work experience program. Commissioner Cantu further stated they run on a budget of \$772,000 and they give out \$72,000 in college scholarships. In addition, the Boys and Girls Club Board recently approve a 6,000 square foot addition to the Las Milpas unit to allow an increase of capacity to over 300 youth a day. He added the cost of the addition would be \$150,000 and would consist of an open-space gym like air condition metal building.

Commissioner Cantu extended an invitation to all to attend their Gala "Havana Nights" fundraiser to be held on Thursday, May 15, 2014 at Valencia Events Center. He stated sponsorships were available and single tickets could be purchased for this event at a cost of \$100 per ticket.

MINUTES: REGULAR CALLED MEETING
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Fred Sandoval, City Manager, stated the At Home project was moving forward and informed everyone the ground breaking ceremony would take place on Wednesday, May 14, 2014 at 11:00 a.m.

Fred Sandoval, City Manager, recognized Hollis Rutledge to address the Board. Mr. Rutledge thanked the City Commission Board Members for their phone calls during his recovery from an accident he was involved in.

ITEM 4 CONSENT AGENDA: *(All items listed under consent Agenda are considered to be routine and non-controversial by the Governing Body and will be enacted by one motion. Any Commissioner may remove items from the consent agenda by making such request prior to a motion and vote on the Consent Agenda)*

A) APPROVAL OF MINUTES FOR April 15, 2014 – REGULAR CALLED MEETING

B) CONSIDERATION AND ACTION, IF ANY, ON CHANGE ORDER # 3 IN THE AMOUNT OF \$12,762.65 FOR SAM HOUSTON PROJECT CSJ: 0921-02-256

C) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO ADVERTISE FOR STREET REHABILITATION AND PAVING IMPROVEMENTS AT CAPOTE CENTRAL, TORO AVENUE, AND MATADOR STREET LOCATED IN CAPOTE INDUSTRIAL PARK AND LAMAR DRIVE IN THE LAS MILPAS INDUSTRIAL PARK

D) CONSIDERATION AND ACTION, IF ANY, ON PLANNING & ZONING CASES:

PUBLIC HEARING

1. Luby's Bevco Inc. d/b/a Luby's Cafeteria, requested renewal of the Conditional Use Permit and Late Hours Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C). The property is more fully described as Lot 1, El Centro Mall No. 2 Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1900 W. Expressway 83.
2. Ramiro Armendariz, d/b/a Jackie's Bar and Grill, requested renewal of the Conditional Use Permit and Late Hours Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C). The property is legally described as the S150' of Lots 5-10, Block 1, Colonia Santa Barbara Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 819 W. Ferguson.
3. Red Tape VI, represented by Mr. Ramiro Armendariz, d/b/a Stiletto's Gentlemen's Club, requested renewal of the Conditional Use Permit and Late Hours Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C). The property is legally described as Lot 2, Albrad Subdivision Unit #3 Pharr, Hidalgo County, Texas. The property's physical address is 1050 N. Sugar Rd.
4. R.G.V. & Associates, d/b/a Kids Kastle Event Center, requested renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C). The property is legally described as Lot 200, Valle de la Primavera Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 6719 S. Jackson Rd.
5. Oscar Barrera, d/b/a Texas Theater Ballroom, requested renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a Business District (C-2). The property is legally described as Lots 10-12 and N11.5' of Lot 13, Block 1, J.T. Doster Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 115 E. Newcombe (Park) Ave.
6. Raul Martinez, d/b/a The Fraternal Order of Eagles of Pharr, Texas, requested renewal of the Conditional Use Permit to allow the sale of alcoholic beverages for on-premise consumption in a Business District (C-2). The property is legally described as Lot 3, Block 58, Pharr Original Townsite Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 305 S. Cage Blvd.

7. Laura V. Terrazas and Juan Terrazas, d/b/a Para Tacos La Chilanga, requested a Conditional Use Permit and Late Hours Permit to allow the sale of alcoholic beverages for on-premise consumption in a General Business District (C). The property is legally described as Lot 2, CVS Pharmacy No. 10142 Subdivision, Pharr, Hidalgo County, Texas. The property's physical address is 1305 South Cage Boulevard, Suites 1 & 2.
8. Dann C. Narveson, Director of SCI Management representing Esponjas Development Ltd., requested a change of zone from a Heavy Commercial District (H-C) to an Agricultural Open-Space District (A-O). The property is legally described as the South 15.0 feet of Lot 17, street right of way and all of Lots 18-22, Amended Valley Cathedral Subdivision, Pharr, Hidalgo County, Texas. The property is physically located within the 4600 Block of North Sugar Road.
9. Dann C. Narveson, Director of SCI Management representing Esponjas Development Ltd., requested a Life-of-the-Use Conditional Use Permit to allow a cemetery in an Agricultural Open-Space District (A-O). The property is legally described as the South 15.0 feet of Lot 17, street right of way and all of Lots 18-22, Amended Valley Cathedral Subdivision, Pharr, Hidalgo County, Texas. The property is physically located within the 4600 Block of North Sugar Road.

Fred Sandoval, City Manager, introduced items 4A through 4D (9) and recommended approval.

Comm. Carrillo moved to approve items 4A through 4D (9) under the consent agenda. Comm. Elizondo seconded the motion and when put to a vote, it carried unanimously. Ordinance No. O-2014-16 is filed with the City Clerk's Office.

REGULAR AGENDA – OPEN SESSION:

ITEM 5 ORDINANCES AND RESOLUTIONS:

A) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING ORDINANCE NO. O-2013-25 PARKS AND RECREATION DEPARTMENT'S AQUATIC CENTER FEE SCHEDULE

Fred Sandoval, City Manager, introduced the item and stated this was the third and final reading of the ordinance and recommended approval.

Comm. Farias moved to approve. Comm. Maldonado seconded the motion and when put to a vote, it carried unanimously. Ordinance No. O-2014-17 is filed with the City Clerk's Office.

At this time Fred Sandoval, City Manager, stated they would deviate from the agenda and discuss items 6C and 7A. There was no objection.

6 C) PRESENTATION BY BLUESTEM ENTERPRISES, INC. ON PAYCHECK DIRECT PROGRAM

Fred Sandoval, City Manager, introduced the item.

Melba Figueroa, South Texas Representative for Paycheck Direct, introduced Andy Hilliard, Company Representative, who gave a presentation on the program design.

Mr. Hilliard explained Paycheck Direct was an employee purchasing program which allows employees to purchase products through payroll deduction with no credit check, no down payment, and no interest charges. The eligibility requirements were to be a full-time employee, employed for a minimum of six (6) months and have a salary of \$18,000 or more per year. He stated the city would not incur any risk or liability if an employee leaves and has a remaining balance on their account.

7 A) CONSIDERATION AND ACTION, IF ANY, ON AGREEMENT BETWEEN CITY OF PHARR AND BLUESTEM ENTERPRISES, INC. D/B/A PAYCHECK DIRECT

Fred Sandoval, City Manager, introduced the item and recommended approval.

Com. Carrillo moved to approve. Comm. Elizondo seconded the motion and when put to a vote, it carried unanimously.

At this time Fred Sandoval, City Manager, stated they would deviate from the agenda and go into closed session. There was no objection.

ITEM 9 CLOSED SESSION: IN ACCORDANCE WITH CHAPTER 551 OF THE TEXAS GOV'T. CODE, THE PHARR BOARD OF COMMISSIONERS HEREBY GIVES NOTICE THAT IT WILL MEET IN EXECUTIVE SESSION TO DISCUSS THE ITEMS LISTED ON THE PUBLIC PORTION OF THE MEETING AGENDA, INCLUDING ITEMS 4 – 8

Mayor Palacios stated the time being 5:38 pm; the Board of Commissioners would be entering a closed session in accordance with Chapter 551 of the Texas Govt. Code to discuss agenda items listed in the public portion of the agenda and Pursuant to Sections 551.071, 551.072, 551.074, 551.076, 551.084 and 551.087.

ITEM 10 RECONVENE INTO REGULAR SESSION, AND CONSIDER ACTION, IF NECESSARY ON ANY ITEM(S) DISCUSSED IN EXECUTIVE SESSION

Mayor Palacios stated the time being 7:14 pm; the board had completed its closed session and would be resuming the open meeting.

5 B) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING ORDINANCE NO. O-2014-14 (SIGN ORDINANCE)

Fred Sandoval, City Manager, introduced the item and stated this was the first reading of the ordinance and recommended approval.

Comm. Carrillo moved to approve. Comm. Elizondo seconded the motion and when put to a vote, it carried unanimously.

C) CONSIDERATION AND ACTION, IF ANY, ON ORDINANCE AMENDING ORDINANCE NO. O-2013-12 (NOISE ORDINANCE)

Fred Sandoval, City Manager, introduced the item and stated this was the first reading of the ordinance and recommended approval.

Comm. Carrillo moved to approve. Comm. Maldonado seconded the motion and when put to a vote, it carried unanimously.

D) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION ADOPTING CITY OF PHARR INVESTMENT POLICY

Fred Sandoval, City Manager, introduced the item and stated this policy was already in place but needed to be updated according to the rules and regulations. He suggested that a workshop be held to review the different options or discuss it at the budget retreat. He further recommended approval.

Juan Guerra, Chief Financial Officer, briefly explained this was an annual process and stated Lone Star National Bank was offering a great interest rate that no one else can offer.

Comm. Carrillo moved to approve. Comm. Elizondo seconded the motion and when put to a vote, it carried unanimously. Resolution No. R-2014-22 is filed with the City Clerk's Office.

E) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION APPOINTING/RE-APPOINTING CITY CLERK AND ASSISTANT CITY CLERK

Fred Sandoval, City Manager, introduced the item and stated the appointment of a City Clerk and Assistant City Clerk needed to be done every two (2) years as per City Charter.

Comm. Carrillo **moved** to re-appoint Hilda Pedraza as City Clerk and Sonia H. Padron as Assistant City Clerk. Comm. Farias seconded the motion and when put to a vote, it carried unanimously. Resolution No. R-2014-23 is filed with the City Clerk's Office.

F) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION WRITING OFF TAX OBLIGATIONS AND EXPENDITURE OF FUNDS FOR TAX SALE

Fred Sandoval, City Manager, introduced the item and recommended approval as discussed in closed session.

Comm. Carrillo **moved** to approve. Comm. Farias seconded the motion and when put to a vote, it carried unanimously. Resolution No. R-2014-24 is filed with the City Clerk's Office.

G) CONSIDERATION AND ACTION, IF ANY, ON RESOLUTION CANCELLING/RESCHEDULING THE CITY COMMISSION MEETING OF MAY 20, 2014

Fred Sandoval, City Manager, introduced the item and recommended the meeting be rescheduled to Thursday, May 22, 2014 due to staff being out of town.

Comm. Elizondo **moved** to re-schedule the City Commission Meeting of May 20, 2014 to Thursday, May 22, 2014 at noon. Comm. Carrillo seconded the motion and when put to a vote, it carried unanimously. Resolution No. R-2014-25 is filed with the City Clerk's Office.

ITEM 6 ADMINISTRATIVE:

A) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO SUBMIT A LETTER OF SUPPORT FOR HCRMA TIGER GRANT APPLICATION FOR STATE HIGHWAY 365 PROJECT

Fred Sandoval, City Manager, introduced the item and recommended approval subject to the City of Pharr requesting a similar letter of support for the extension of I-69 to the bridge.

Comm. Farias **moved** to approve. Comm. Garza seconded the motion and when put to a vote, it carried unanimously.

B) CONSIDERATION AND ACTION, IF ANY, ON ACCEPTANCE OF THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL GRANT FUNDS IN THE AMOUNT OF \$30,000 FOR THE OPERATIONS OF THE PHARR PUBLIC WORKS RECYCLING DIVISION

Fred Sandoval, City Manager, introduced the item and recommended approval.

Comm. Carrillo **moved** to approve. Comm. Maldonado seconded the motion and when put to a vote, it carried unanimously.

ITEM 7 CONTRACTS/AGREEMENTS:

B) CONSIDERATION AND ACTION, IF ANY, AMENDING OCCUPANCY AGREEMENT BETWEEN THE CITY OF PHARR AND OSCAR VERA FOR 207 W. NEWCOMBE AVENUE

Fred Sandoval, City Manager, introduced the item and recommended approval as per City Attorney.

Comm. Farias **moved** to approve. Comm. Garza seconded the motion and when put to a vote, it carried unanimously.

C) CONSIDERATION AND ACTION, IF ANY, ON CONTRACT WITH DAVID V. AGUILAR (PARTNER) GLOBAL INTELLIGENCE & SECURITY STRATEGIES FOR FEASIBILITY STUDY ON THE I-69 CORRIDOR

Fred Sandoval, City Manager, introduced the item and recommended approval.

Comm. Carrillo moved to approve. Comm. Elizondo seconded the motion and when put to a vote, it carried unanimously.

D) CONSIDERATION AND ACTION, IF ANY, ON CONTRACTUAL AGREEMENT WITH PURPOSE DRIVEN POLYGRAPH INVESTIGATIVE CONSULTANTS LLC FOR PROFESSIONAL SERVICES

Fred Sandoval, City Manager, introduced the item and stated this was an ongoing service utilized by the Police Department and recommended approval.

Comm. Carrillo moved to approve. Comm. Garza seconded the motion and when put to a vote, it carried unanimously.

E) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO EXTEND CONTRACT FOR ONE YEAR WITH TAG GRINDING SERVICES FOR CATASTROPHIC EVENT DEBRIS REMOVAL

Fred Sandoval, City Manager, introduced the item and stated this was a contingency based contract which was in place and recommended approval as we near hurricane season.

Comm. Carrillo moved to approve. Comm. Garza seconded the motion and when put to a vote, it carried unanimously.

F) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO NEGOTIATE CONTRACT WITH ALDANA ENGINEERING FOR DESIGN TRAFFIC SIGNAL AT SUGAR ROAD AND SIOUX ROAD

Fred Sandoval, City Manager, introduced the item and stated the city had been receiving petitions for this project and recommended approval.

Comm. Maldonado moved to approve. Comm. Farias seconded the motion and when put to a vote, it carried unanimously.

G) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO NEGOTIATE CONTRACT WITH ALDANA ENGINEERING & TRAFFIC DESIGN, LCC FOR A TRAFFIC STUDY ANALYSIS FOR TRAFFIC SIGNAL INTO THE PHARR PRODUCE DISTRICT SUBDIVISION AT US MILITARY ROAD AND SUGAR ROAD

Fred Sandoval, City Manager, introduced the item and recommended approval.

Comm. Carrillo moved to approve. Comm. Elizondo seconded the motion and when put to a vote, it carried unanimously.

H) CONSIDERATION AND ACTION, IF ANY, AUTHORIZING CITY MANAGER TO NEGOTIATE CONTRACT WITH TEDSI INFRASTRUCTURE GROUP, INC. FOR PROFESSIONAL SERVICES FOR OWASSA ROAD (JACKSON TO US 281)

Fred Sandoval, City Manager, introduced the item and briefly stated the contract was for additional TxDOT requirements for the roadway section and recommended approval.

Comm. Elizondo **moved** to approve. Comm. Maldonado seconded the motion and when put to a vote, it carried unanimously.

ITEM 8 LEGAL:

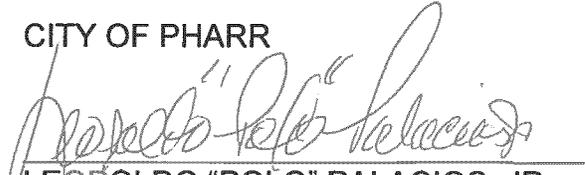
A) CONSIDERATION AND ACTION, IF ANY, ON CITY OF DONNA V. CITY OF PHARR; C-0228-13-I

Fred Sandoval, City Manager, introduced the item and briefly stated a Letter of Intent with reflective negotiations was submitted to the City of Donna but no response has been received. He recommended no action.

ITEM 11 ADJOURNMENT:

There being no other business to come before the board, Comm. Carrillo **moved** to adjourn. Comm. Farias seconded the motion and when put to a vote, the motion carried unanimously. Meeting adjourned at 7:25 p.m.

CITY OF PHARR



LEOPOLDO "POLO" PALACIOS, JR.
MAYOR

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF PHARR

ON THIS THE 6TH DAY OF MAY, 2014 the Board of Commissioners of the City of Pharr, Texas convened in a **REGULAR CALLED MEETING** at the Commissioner's Room located at 118 S. Cage, 2nd Floor, Pharr, Texas. The meeting being open to the public and notice of said meeting, giving the date, place, subject, hereof, having been posted in accordance with Chapter 551, Texas Government Code (Open Meetings Act) and there being present a quorum, I, **HILDA PEDRAZA, CITY CLERK**, of the City of Pharr, Texas, certify that this is a true and correct copy of the minutes.

ATTEST:



HILDA PEDRAZA, CITY CLERK

APPROVED: May 22, 2014